THE HON'BLE SRI JUSTICE C.V. RAMULU

Wednesday, the 4th day of April,2007

W.P.No.9555 of 1998

Between:-

Dr. T. Sharon Raju … Petitioner

and

The Andhra University,
Waltair, rep. by its Registrar
and others … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.9555 of 1998

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the Proceedings No.S.II(1)/Misc/97, dated 2-4-1998 passed by the 3rd respondent as arbitrary, illegal and without jurisdiction and consequently to direct the respondents to continue the petitioner as Teaching Assistant in the Department of Adult and Continuing Education, College of Arts and Commerce, Andhra University, Waltair.

Under the impugned letter dated 2-4-1998, petitioner was relieved of the duties from the post of Teaching Assistant with effect from the afternoon of 2-4-1998 on expiry of the period of temporary appointment. It is the case of the petitioner that, in fact, the 2nd respondent through his letter dated 26-3-1998 requested the 1st respondent to approve the continuation of the petitioner as Teaching Assistant on temporary basis on the terms and conditions of original appointment. According of approval of recommendation made by the 2nd respondent is only a formality as the 2nd respondent is the competent authority to recommend the case of the petitioner for continuation basing on the work- load and need. Likewise, two other persons appointed temporarily as Teaching Assistants in the Department of Bio-Technology are being continued on the same terms and conditions as per their original appointments; whereas, the

services of the petitioner are sought to be terminating by passing the impugned relieving Order, which is arbitrary and illegal.

A detailed counter affidavit has been filed on behalf of the respondents denying the allegations made by the petitioner. It is asserted that there are no permanent or regular posts of Teaching Assistants in the University. Earlier, he was terminated from service on 6-1-1998 and when he filed Writ Petition No.729 of 1998 challenging the said termination order, interim orders were passed. Ultimately, the said Writ Petition was dismissed on 21-4-1998. Petitioner is not entitled to seek continuation beyond 2-4-1998. The appointment of the petitioner as Teaching Assistant was for a period of one year with effect from 3-4-1997 as per the appointment order dated 3-4-1997. Under any circumstances, he is not entitled to continue after 2-4-1998 since it was only a contract appointment and the period stated expired.

While admitting the Writ Petition on 7-4-1998, this Court passed an interim order directing the respondents to continue the petitioner as Teaching Assistant in view of the letter of the Head of Department dated 26-3-1998 pending further orders. Though a vacate stay petition was filed, by an Order dated 16-9-1999 it was held that, admittedly, the petitioner continued from 3-4-1997 and having regard to the facts and circumstances and balance of convenience, the interim order was made absolute. Thus, the petitioner is continuing in service as per the interim orders passed by this Court.

The counter and the appointment order would reveal that the petitioner was appointed for a fixed period as a Teaching Assistant in view of the funds sanctioned by a different agency. Therefore, strictly speaking, the petitioner has no right whatsoever for regular appointment. However, as he is being continued for the last 9 years,

he shall be continued on the same terms and conditions, if he is otherwise eligible and the scheme is in vogue.

With the above direction, the Writ Petition is disposed of. No order as to costs.

04-4-2007

prk